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L.J. LOHEIT, TRUSTEE
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN RE:)	Case No: 10-23675-E-13L
)	DCN: NLE-1
)	
JAMES STEPHEN SOUZA,)	TRUSTEE'S MOTION TO DISMISS
KATHLEEN LENORE)	CASE
SOUZA,)	
)	DATE: APRIL 27, 2010
)	TIME: 10:00 A.M.
)	JUDGE: SARGIS
<u>Debtor(s)</u>)	COURTROOM: 33

LAWRENCE J. LOHEIT, STANDING CHAPTER 13 TRUSTEE, hereby moves the
Court for an order dismissing this case pursuant to 11 U.S.C. §1307(c) as:

The Debtor is causing unreasonable delay that is prejudicial to creditors.

1. Debtor has failed to provide the Trustee with a tax transcript or a copy of his/her
Federal Income Tax Return with attachments for the most recent pre-petition tax year for which
a return was required under 11 U.S.C. § 521(e)(2)(A); FRBP 4002(b)(3).

2. Debtors have failed to provide the Trustee with 60 days of employer payment advices received prior to the filing of the petition pursuant to 11 U.S.C. § 521 (a) (1) (B) (iv).

3. Debtors plan has not been timely served on all interested parties and no Motion to Confirm has been filed to date. The original plan was filed March 2, 2010, an amended plan was filed March 3, 2010, and the meeting of creditors was noticed on February 26, 2010.

4. Debtors plan relies on a \$188,600.00 lump sum from collection of a judgment that is currently on appeal.

The Debtor must be current under all payments called for by any pending Plan, Amended Plan or Modified Plan as of the date of the hearing on this motion or the case may be dismissed.

WHEREFORE, the Trustee asks that the Court grant an order dismissing this proceeding.

Dated: APRIL 8, 2010

/ S / Neil Enmark
Neil Enmark, Attorney for Trustee